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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,426	03/29/2002	Juha Pihlaja	297-010894-US (PAR)	7015
2512	7590	11/07/2007		
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			EXAMINER HALIYUR, VENKATESH N	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 11/07/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/089,426

Applicant(s)

PIHLAJA, JUHA

Examiner

Venkatesh Haliyur

Art Unit

2619

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-17.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: With respect to applicant's arguments, see remarks filed on 10/23/2007 for claims 1-17 that Lenzo does not disclose a single access point entity that is able to work in duplex mode, and transmit and receive simultaneously on different frequencies, Examiner respectfully traverses references as follows; Delprat et al disclosed a method for time delayed multiframe (broadcast transmissions) to mobile stations of a plurality of groups (col 3, lines 10-26) and further disclosed that a base station can simultaneously transmit and receive from one mobile station of a group (col 6, lines 4-18), but fails to disclose at least one terminal of said second group to overlap at least partly with the transmission period of said first broadcast message. However, Lenzo in col 6, lines 6-17, disclosed a single access point entity (equated to base station in Lenzo) transmit and receive operations are executed simultaneously in time at different frequencies. Lenzo further discloses a method for base stations operating in duplex mode to transmit time offset (overlapping) messages to mobile stations (sectors equated to groups of mobile station in Lenzo) belonging to different groups in col 3, lines 1-27. Since Lenzo and Delprat et al teach overlapping transmission methods for in a wireless communication system for broadcasting messages to groups of mobile stations (terminals) in the related art, references can be combined to achieve the desired functionality of at least one terminal of said second group to overlap at least partly with the transmission period of said first broadcast message. Therefore the feature that applicant relies on in the claimed invention, i.e, transmission period of at least one terminal of said second group to overlap at least partly with the transmission period of said first broadcast message is well known in the art. With respect to applicant's argument that references fails to disclose signaling messages, Examiner respectfully traverses applicant's to col 2, lines 65-67, col 3, lines 1-6, where Delprat et al disclosed control frame for sending signaling information and Lenzo disclosed their invention of separating uplink and downlink information signals in col 5, lines 42-61. Hence examiner respectfully disagrees with the applicant's argument(s) that the Delprat et al and Lenzo references cannot be combined when obviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The features of an embodiment that the applicant(s) claims as invention are not recited in the claims, such as the methods or set of rules for determining the transmission and reception times for the terminals by the access point as disclosed in the specification (pp 6-9) are not in the claims.

Venkatesh Haliyur  
Patent Examiner

uh  
11/2/07

EDAN . ORGAD  
SUPERVISORY PATENT EXAMINER

Eden Orgad 11/4/07